

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FENNER INVESTMENTS, LTD.	§	
	§	
PLAINTIFF,	§	
	§	
v.	§	CIVIL ACTION NO. 6:11-cv-348
	§	
CELLCO PARTNERSHIP d/b/a	§	JURY TRIAL
VERIZON WIRELESS,	§	
METROPCS COMMUNICATIONS,	§	
INC., METROPCS WIRELESS, INC.,	§	
and METROPCS TEXAS, LLC,	§	
DEFENDANTS.	§	
	§	

STIPULATION OF DISMISSAL WITH PREJUDICE AS TO METROPCS

Pursuant to Fed. R. Civ. P. 41, the parties to this case have resolved their respective claims and therefore stipulate to the dismissal with prejudice of all claims of Plaintiff Fenner Investments, Ltd. (“Fenner”) against Defendants MetroPCS Communications, Inc., MetroPCS Wireless, Inc., and MetroPCS Texas, LLC (“MetroPCS”) and all claims of MetroPCS against Fenner. All attorneys’ fees, costs of court and expenses shall be borne by each party incurring the same. The parties agree that the Agreed Protective Order (“PO”) shall remain in effect following the dismissal of this case and that any post-dismissal disputes regarding any alleged PO violations shall be resolved by the Eastern District of Texas, Tyler Division.

DATED: April 12, 2013.

Respectfully Submitted,

LOEWINSOHN FLEGLE DEARY, L.L.P. McKOOL SMITH, P.C.

/s/ Jim L. Flegle

Jim L. Flegle, TBN #07118600 (lead counsel)
David R. Deary, TBN #05624900
Peter J. Thoma, TBN #19841200
Corey Weinstein, TBN #24037685
12377 Merit Drive, Suite 900
Dallas, Texas 75251-2224
(214) 572-1700 Telephone
(214) 572-1717 Telecopy
JimF@lfdlaw.com
DavidD@lfdlaw.com
PeterT@lfdlaw.com
CoreyW@lfdlaw.com

**ATTORNEYS FOR PLAINTIFF,
FENNER INVESTMENTS, LTD.**

/s/ Brett Cooper (w/ perm. Jim Flegle)

Steven J. Pollinger
Texas Bar Number 24011919
spollinger@mckoolsmith.com
Kathy H. Li
Texas Bar Number 24070142
kli@mckoolsmith.com
300 W. 6th Street, Suite 1700
Austin, TX 78701
Telephone: (512) 692-8700
Fax: (512) 692-8744

Brett E. Cooper
New York State Bar No. 4011011
bcooper@mckoolsmith.com
One Bryant Park, 47th Floor
New York, New York 10036
Telephone: (212) 402-9400
Fax: (212) 402-9444

**ATTORNEYS FOR DEFENDANTS
METROPCS COMMUNICATIONS,
INC., METROPCS WIRELESS, INC.,
and METROPCS TEXAS, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically on April 12, 2013, in compliance with the Court's Standing Order Designating Case for Enrollment in the Electronic Case Files "ECF" System and has been served on all counsel who have consented to electronic service and all other counsel by regular mail.

/s/ Jim L. Flegle